

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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|-----------------------------------|---|-----------------------|
| MARK C. HEALY as assignee for PSM |) | |
| HOLDINGS, INC., PRIME SOURCE |) | |
| MORTGAGE, INC., and WWYH, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. CIV-21-750-C |
| |) | |
| CITIZENS STATE BANK, |) | |
| |) | |
| Defendant. |) | |

ORDER

In its Reply in support of its Motion for Summary Judgment, Citizens raised for the first time an argument that PSM Holdings was the alter ego of Prime Source. In support of this argument, Citizens relied on Plaintiff's assertions that PSM Holdings did not maintain separate financial statements, did not maintain its own bank account and that PSM Holdings was essentially insolvent. Plaintiff has filed a Motion to Strike these arguments and others raised in the Reply brief arguing it could be prejudiced if not given an opportunity to respond. While the Court finds Plaintiff's argument a bit specious as Citizen's assertions regarding the alter ego issue is based exclusively on statements made by Plaintiff, the Court will nonetheless allow Plaintiff to be heard on the issue rather than strike the matter.

Accordingly, Plaintiff shall within 5 days of the date of this Order file a Surreply limited to addressing Citizens' argument that PSM Holdings is the alter ego of Prime Source. Plaintiff's Motion to Strike Portions of the Reply Brief (Dkt. No. 65) is DENIED.

IT IS SO ORDERED this 21st day of June, 2022.



ROBIN J. CAUTHRON
United States District Judge